

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

CORNELL MANAGEMENT COMPANY, LLC,
a foreign corporation,

Plaintiff,

v.

Civil Action No. 5:04CV22
(STAMP)

LEXINGTON INSURANCE COMPANY,
a foreign corporation,
FIREMAN'S FUND INSURANCE COMPANY,
a foreign corporation,
BRADY RISK MANAGEMENT, INC.,
a foreign corporation, and
HARTAN BROKERAGE, INC.,
a foreign corporation,

Defendants.

ORDER VACATING TRIAL,
ESTABLISHING FILING DEADLINE AND
DENYING OTHER PENDING MOTIONS AS MOOT

On August 9, 2007, the parties, by counsel, appeared by telephone for a hearing on the motions in limine previously filed in this civil action. At the hearing, the parties by their counsel indicated on the record that a settlement of the issues before the Court in this case had been effected.¹ Additionally, counsel for Lexington Insurance Company ("Lexington") expressed a desire to file, prior to the entry of a dismissal order in this case, a joint motion to vacate (or to reconsider) this Court's memorandum opinion and order granting in part and denying in part plaintiff's motion for partial summary judgment on Unfair Trade Practices Act claims,

¹At the hearing, this Court directed, for reasons appearing to the Court, that any transcript of that portion of the hearing relating to the details of that settlement be SEALED.

denying Lexington Insurance Company's motion for summary judgment and denying Brady Risk Management, Inc.'s motion for summary judgment as moot.

Lexington and Cornett Management Company, LLC shall file any such joint motion to vacate (or to reconsider) on or before August 22, 2007. Additionally, because of representations by the plaintiff that its claims against both Lexington and Brady Risk Management, Inc. have been compromised and settled, the trial scheduled to begin August 14, 2007 is hereby VACATED. Lexington's motion and amended motion to continue trial, Lexington's second amended motion to continue trial and motion to disqualify the firm of Kesner, Kesner & Bramble, Lexington's motion for leave to amend the pretrial order, and all other pending motions, including all motions in limine are DENIED AS MOOT.

IT IS SO ORDERED.

The Clerk is directed to transmit a copy of this order to counsel of record herein.

DATED: August 10, 2007

/s/ Frederick P. Stamp, Jr.
FREDERICK P. STAMP, JR.
UNITED STATES DISTRICT JUDGE